

residents and report convictions, and to suspend resident license upon conviction in another State; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; and making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill No. 15, Chapter 466, page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill No. 16, Chapter 369, page 752, Regular Session, Forty-fifth Legislature; providing a saving clause, declaring an emergency and providing the Act shall take effect from and after its passage."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 224, "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new Section to Section 6 to be known as Section 6 (f); by providing for the sale and transfer of contract carrier permits issued under the provisions of this Section of the Act; providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to sell and dispose of certain fence.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 115, Extending to the delegates of the convention convening in Toronto, Canada, an invitation to hold their next Quadrennial Convention in the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 84.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

#### SENT TO THE GOVERNOR

House Bill No. 484.

House Bill No. 978.

House Concurrent Resolution No. 114.

House Concurrent Resolution No. 115.

House Concurrent Resolution No. 116.

#### SIXTY-SIXTH DAY

(Tuesday, May 2, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Allison
Allen	Alsup

Anderson	Johnson of Ellis
Bailey	Johnson of Tarrant
Baker	Kennedy
of Fort Bend	Kern
Baker of Grayson	Kerr
Bell	Kersey
Blankenship	Kinard
Boethel	Langdon
Bond	Lehman
Boyd	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	Loggins
Bridgers	London
Broadfoot	Mays
Brown of Cherokee	McAlister
Brown	McDaniel
of Nacogdoches	McFarland
Bundy	McMurry
Burkett	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Chambers	Morris
Clark	Newell
Cleveland	Nicholson
Cockrell	Oliver
Coleman	Pace
Colquitt	Petsch
Colson, Mrs.	Pevehouse
Cornett	Piner
Crossley	Pope
Davis of Jasper	Reader of Bexar
Davis of Upshur	Reader of Erath
Dean	Reaves
Derden	Reed
Dickson	Rhodes
Donaghey	Riviere
Dowell	Roach
Faulkner	Roberts
Ferguson	Robinson
Fielden	Russell
Fuchs	Segrist
Galbreath	Shell
Gilmer	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith of Hopkins
Hamilton	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Hardin	Stoll
Harp	Talbert
Harper	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornton
Harris	Turner
Hartzog	Vale
Heflin	Vint
Holland	Voigt
Howard	Waggoner
Howington	Weldon
Hull	Wells
Hunt	Westbrook
Isaacks	White

Wilson  
Winfree  
Wood

Worley  
Wright

Absent

Corry  
Dickison  
Dwyer  
Felty  
Goodman  
Keith  
King

Leonard  
McDonald  
Ragsdale  
Stinson  
Tarwater  
Thornberry

Absent—Excused

Bray  
Daniel

Schuenemann

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, we are under renewed obligations to Thee for Thy continued blessings. More than we can understand we depend upon Thee for life and its continuing activities. We thank Thee for freedom of thought and speech, and we pray that out of the differences which come of this freedom Thou wilt enable us to bring fruits commensurate with the time and effort bestowed. May Thy will be done in us today. For Christ's sake. Amen."

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Schuenemann for today, on motion of Mrs. Gordon.

Mr. Bray for today, on motion of Mr. McMurry.

The following Member was granted leave of absence on account of illness:

Mr. Daniel for today, on motion of Mr. Langdon.

#### HOUSE BILLS ON FIRST READING

Mr. Bradbury asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1046.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bradbury, Mr. Brown of Cherokee and Mr. Thornberry:

H. B. No. 1046, A bill to be entitled "An Act to validate and confirm cer-

tain actions and proceedings of the Texas Old Age Assistance Commission and the Governor, Comptroller, and Treasurer of the State of Texas, with respect to the authorization and issuance of warrants for old age assistance under Section 51-b of Article 3 of the Constitution and contracting for the payment of interest on warrants purchased and cashed for the recipients at the request of the Commission and to the authorization and execution of interest-bearing State of Texas Treasury certificates to be issued in exchange for warrants so purchased and to validate and confirm such warrants and certificates as a prior charge on the Texas Old Age Assistance Fund, to validate the appropriation therefor and to make other provisions relating thereto, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Wilson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1047.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Wilson:

H. B. No. 1047, A bill to be entitled "An Act granting permission to W. E. Gorham, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. E. Gorham for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about December 7, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the

joinder of other property or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Hardin asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1048.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hardin, Mr. Harper, Mr. Mohrmann, Mr. Pevehouse and Mr. White:

H. B. No. 1048, A bill to be entitled "An Act remitting State ad valorem taxes to certain school districts in this State; fixing the term of such remission; stating calamities authorizing such remission, and declaring an emergency."

Referred to the Committee on State Affairs.

#### BILLS RE-REFERRED

Mr. Kinard moved that House Bill No. 248 be withdrawn from the Committee on Public Printing, and referred to the Committee on Game and Fisheries.

The motion prevailed.

Mr. Lock moved that House Bill No. 1031 be withdrawn from the Committee on Appropriations, and referred to the Committee on Education.

Mr. Wood moved to table the motion to re-refer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—50

Alsup	Bundy
Anderson	Burney
Bell	Cauthorn
Boethel	Corry
Bradford	Donaghey
Bridgers	Dowell

Fuchs	Petsch
Gilmer	Ragsdale
Gordon, Mrs.	Reaves
Hankamer	Riviere
Hardeman	Roach
Hartzog	Robinson
Heflin	Segrist
Howington	Smith of Frio
Hull	Smith
Kersey	of Matagorda
Kinard	Taylor
Leyendecker	Tennant
Little	Thornberry
London	Thornton
Mays	Vale
McAlister	Voigt
McFarland	Waggoner
McNamara	Wilson
Monkhouse	Wood
Nicholson	

## Nays—65

Allen	Kennedy
Bailey	Kern
Boyd	Kerr
Boyer	King
Bradbury	Langdon
Broadfoot	Lehman
Brown of Cherokee	Lock
Brown	Loggins
of Nacogdoches	McMurry
Burkett	Montgomery
Chambers	Morris
Cleveland	Newell
Cockrell	Oliver
Coleman	Pace
Colson, Mrs.	Pevehouse
Cornett	Pope
Crossley	Reader of Erath
Davis of Jasper	Rhodes
Faulkner	Roberts
Ferguson	Russell
Fielden	Shell
Galbreath	Skiles
Hale	Spencer
Hamilton	Stoll
Harp	Talbert
Harrell of Bastrop	Turner
Harrell of Lamar	Weldon
Harris	Wells
Holland	Westbrook
Hunt	White
Isaacks	Winfree
Johnson of Ellis	Worley
Keith	Wright

## Present—Not Voting

Davis of Upshur

## Absent

Allison	Blankenship
Baker	Bond
of Fort Bend	Celaya
Baker of Grayson	Clark

Colquitt	Leonard
Dean	McDaniel
Derden	McDonald
Dickison	Mohrmann
Dickson	Piner
Dwyer	Reader of Bexar
Felty	Reed
Goodman	Smith of Hopkins
Hardin	Stinson
Harper	Tarwater
Howard	Vint
Johnson of Tarrant	

## Absent—Excused

Bray	Schuenemann
Daniel	

Question then recurring on the motion to re-refer House Bill No. 1031 to the Committee on Education, it prevailed.

## MOTION TO RE-REFER HOUSE BILL NO. 138

Mr. White moved that House Bill No. 138 be withdrawn from the Committee on Appropriations and referred to the Committee on Education.

On motion of Mr. Thornton, the motion to re-refer House Bill No. 138 was tabled.

## EXTENDING CONGRATULATIONS AND GREETINGS OF THE LEGISLATURE

Mr. Bradbury offered the following resolution:

H. C. R. No. 123, Extending congratulations and greetings of the Legislature.

Whereas, The Texas Press Industrial Train will depart from Texas May 14th, for a tour of the North and East, in which their travels will be climaxed by the celebration of Texas Day at the New York World's Fair; and

Whereas, This will be the largest train from the largest State to the largest World's Fair in the largest city; and

Whereas, This train will be accompanied by the Texas Cowboy Band of Hardin-Simmons University, of Abilene, Texas, the most colorful band in America; and

Whereas, The world renowned Texas Cowboy Band will render much color, publicity, and entertainment for those making the tour, and will be an outstanding attraction wherever it plays and makes its appearance, and will

bring much publicity, advertising, and favorable comment to Texas; now, therefore, be it

Resolved by the House of Representatives, That we congratulate those in charge of the tour for the selection of the Cowboy Band; that we extend greetings to the band, and in turn, we ask the band to extend the greetings of Texas to the people in all the States through which they travel, and to all the people before whom they play, and with them goes the good wishes of the people of the Lone Star State.

The resolution was read second time, and was adopted.

#### SPECIAL ORDER SET

Mr. Lock moved that Senate Joint Resolution No. 12 be set as a special order for 3:00 o'clock p. m., today.

The roll of the House was called, and the vote announced, as follows: Yeas, 86; Nays, 38.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

#### Yeas—88

Allison	Hankamer
Alsup	Hardin
Bailey	Harp
Blankenship	Harper
Bond	Harrell of Bastrop
Boyer	Harrell of Lamar
Bradbury	Harris
Bradford	Hartzog
Broadfoot	Holland
Brown of Cherokee	Howington
Bundy	Hull
Burkett	Hunt
Burney	Johnson of Ellis
Chambers	Johnson of Tarrant
Clark	Kennedy
Cleveland	Kersey
Cockrell	Kinard
Colquitt	Lehman
Colson, Mrs.	Little
Crossley	Lock
Davis of Jasper	Loggins
Dean	London
Dickson	McAlister
Donaghey	McDaniel
Dwyer	McDonald
Ferguson	McFarland
Fielden	McMurry
Fuchs	Montgomery
Galbreath	Oliver
Gilmer	Pace
Hamilton	Petsch

Pevehouse  
Reader of Bexar  
Reader of Erath  
Reed  
Rhodes  
Roach  
Roberts  
Russell  
Segrist  
Shell  
Skiles  
Smith of Frio  
Smith of Hopkins

Smith  
of Matagorda  
Spencer  
Stinson  
Tarwater  
Taylor  
Thornton  
Turner  
Vale  
Voigt  
Westbrook  
Wilson  
Winfree  
Worley

#### Nays—41

Allen	King
Anderson	Langdon
Baker	Leyendecker
of Fort Bend	McNamara
Bell	Mohrmann
Boethel	Monkhouse
Boyd	Morris
Bridgers	Newell
Brown	Piner
of Nacogdoches	Riviere
Cauthorn	Robinson
Cornett	Stoll
Davis of Upshur	Talbert
Derden	Tennant
Faulkner	Thornberry
Gordon, Mrs.	Vint
Hale	Weldon
Hardeman	Wells
Isaacks	White
Keith	Wood
Kern	Wright
Kerr	

#### Absent

Baker of Grayson	Howard
Celaya	Leonard
Coleman	Mays
Corry	Nicholson
Dickison	Pope
Dowell	Ragsdale
Felty	Reaves
Goodman	Waggoner
Heflin	

#### Absent—Excused

Bray	Schuenemann
Daniel	

The Speaker announced that the motion to set Senate Joint Resolution No. 12 for special order prevailed.

#### REASONS FOR VOTE

My reason for voting to bring up Senate Joint Resolution No. 12 is still the same, to bring it up, kill it, and get it out of the way of real tax measures.

**GALBREATH.**

I voted in favor of bringing up Senate Joint Resolution No. 12 because I want to submit the transaction tax as a substitute for the sales tax.

HARRELL of Bastrop.

#### RELATIVE TO WORKMAN'S COMPENSATION ACT

Mr. Morris offered the following resolution:

H. S. R. No. 256, Providing for certain investigation in regard to Workman's Compensation Act.

Whereas, It is known that many injured employees are daily being deprived of their just compensation as directed by the laws of this State; and

Whereas, These injured workmen are being starved into accepting settlement of their claims at a small portion of their Workman's Compensation, and that widows and orphan children are being left without financial aid as was intended by the Legislature in the passage of the present Workman's Compensation Act; be it

Resolved, That a committee of five (5) Members be appointed by the Speaker of the House to investigate this deplorable condition and to report back to the next Legislature with recommendations for correction and that the committee shall be empowered to subpoena such witnesses and records as may be necessary, and that said committee be allowed actual expenses, such expense accounts to be supported by affidavits, and to be approved by the Speaker of the House and the chairman of the Contingent Expense Committee and shall not exceed Five Hundred (\$500.00) Dollars.

The resolution was read second time, and was adopted.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 95

Mr. Keith submitted the following Conference Committee Report on House Bill No. 95:

Austin, Texas, May 1, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on

House Bill No. 95, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

SMALL,  
VAN ZANDT,  
STONE of Galveston,  
SHIVERS,  
BROWNLEE,

On the part of the Senate.

KEITH,  
THORNTON,  
MONTGOMERY,  
BOYD,  
WILSON,

On the part of the House.

H. B. No. 95

#### A BILL To Be Entitled

An Act to amend Articles 5025, 5026, 5027, 5029, 5031, 5032 and 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and to add thereto Articles 5029a and 5033a, relating to indemnity contracts by reciprocal or interinsurance exchanges; fixing the extent of liability of subscribers at such exchanges, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 5025 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5025. Attorney for Subscribers. Such contracts may be executed by a duly appointed attorney in fact duly authorized and acting for such subscribers. The office of offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

"Any person, firm or corporation may act as such attorney in fact, provided such attorney in fact shall make a good and sufficient fidelity bond acceptable to the Board of Insurance Commissioners of Texas and payable to the subscribers at the exchange, or, in lieu thereof, payable to the said Board of Insurance Commissioners, such bond to be in the sum of Twenty-five Thousand (\$25,000) Dollars in the case of an individual or firm, and Fifty Thousand (\$50,000) Dollars in the case of a corporation, which said bond shall obligate the principal and surety to pay such pecuniary loss, not exceeding the pen-

alty of the bond, as the exchange shall sustain of money or property by an act or acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or wilful misapplication on the part of the said attorney in fact directly or through connivance with others, and in the event of any violation of the conditions of said bond, the insurance supervisory authority of any State in which the attorney in fact is authorized to transact the business of the exchange may bring suit to enforce the penalty of the bond on behalf of the subscribers; provided, that a deposit with the proper lawful authority of the home State of such exchange of cash or securities of the kind in which general casualty companies may invest their funds, in like amount, conditioned, approved and payable in like manner, may be used in lieu of such bond."

Sec. 2. That Article 5026 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5026. Declaration of Subscribers. Such subscribers, so contracting among themselves, shall, through their attorney in fact, file with the Board of Insurance Commissioners a declaration verified by the oath of such attorney in fact setting forth:

"1. The name or the title of the office at which subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of said Board of Insurance Commissioners is calculated to confuse or deceive. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or interinsurance exchanges.

"2. The kind or kinds of insurance to be effected or exchanged, provided that same shall not include life insurance.

"3. A copy of the form of policy, contract or agreement under or by which such insurance is to be effected or exchanged.

"4. A copy of the form of power of attorney or other authority of such attorney in fact under which such insurance is to be effected or ex-

changed, which form shall be subject to approval by the Board of Insurance Commissioners of Texas; provided, however, that, except as to matters concerning which specific provision is made in this Chapter, nothing herein contained shall be so construed as to permit said Board to require the filing or use of uniform forms of such instruments. Such power of attorney or other authority executed by the subscribers at any such exchange shall provide that such subscribers shall be liable, in addition to the premium or premium deposit specified in the policy contract, to a contingent liability equal in amount to one additional annual premium or premium deposit. Such subscribers at such exchange may provide by agreement that the premium or premium deposit specified in the policy contract on all forms of insurance except life shall constitute their entire liability through the exchange while, but only while, the free surplus of the reciprocal exchange is equal to Two Hundred Thousand (\$200,000) Dollars; provided that if such exchange does not or is not applying to exchange Workman's Compensation, Employers' Liability, or contracts providing indemnity against legal liability to third persons, except automobile public liability and property damage which is not subject to the regulations of the Interstate Commerce Commission, the Railroad Commission of Texas, or other similar bodies in the various states, such exchange may provide by agreement that the premium or premium deposit specified in the policy contract shall constitute the subscriber's entire liability through the exchange while, but only while, it maintains a free surplus of not less than Fifty Thousand (\$50,000) Dollars if only one kind of insurance is exchanged, with an additional Ten Thousand (\$10,000) Dollars of free surplus for each additional kind of insurance exchanged (including automobile public liability and property damage which is not subject to the regulations of the Interstate Commerce Commission, the Railroad Commission of Texas, or other similar bodies in the various states), but not more than One Hundred Thousand (\$100,000) Dollars surplus shall be required; provided, however, that any domestic reciprocal organized prior to the effective date

of this Act which has been and is exchanging contracts without contingent liability and which does not have the minimum surplus required by this Section to exchange such contracts, may continue to exchange contracts without contingent liability until December 31, 1943, provided that

"(a) On December 31, 1939, December 31, 1940, December 31, 1941, and December 31, 1942, it shall have increased its surplus by respective amounts of twenty-five (25) per centum of the difference between the surplus existing on December 31, 1938, and the surplus herein required of a reciprocal before it is permitted to exchange contracts without contingent liability; and

"(b) At no time during each calendar year of the period above referred to shall the surplus be less than thirty (30) per centum of the premiums written during each such year; and

"(c) All other provisions of this Act shall be complied with; and

"(d) If such reciprocal fails to increase its surplus in accordance with this Subsection, such reciprocal shall be subject to the minimum surplus as above-mentioned, or discontinue exchanging policies without contingent liability.

"5. The location of the office or offices from which such contracts or agreements are to be issued.

"Provided, further, that, as to all classes of insurance permitted to be written under the provisions of this Chapter, such verified declaration shall disclose the following:

"(a) In case of workmen's compensation insurance, that applications have been made for indemnity by at least fifty (50) separate subscribers who have not less than two thousand (2,000) employees, as represented by executed contracts or bona fide applications to become concurrently effective.

"(b) As to all other classes of insurance permitted to be written under the provisions of this Chapter, that applications for indemnity have been made by at least seventy-five (75) separate subscribers for each class of risk to be exchanged, aggregating not less than Five Hundred Thousand (\$500,000) Dollars as to each class of risk, as represented by executed contracts or bona fide applications to become concurrently effective."

Sec. 3. That Article 5027 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5027. Service of Process. Concurrently with the filing of such declaration, the attorney shall file with the Board of Insurance Commissioners an instrument in writing executed by him for said subscribers conditioned that upon the issuance of certificates of authority as hereinafter provided, service of process may be had upon the chairman of such Board in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. Three copies of such process shall be served and said chairman of such Board shall file one copy, forward one copy to said attorney, and return one copy with his admission of service. It is provided, however, that in lieu of the method hereinabove provided, service of process may be had upon such attorney in fact in all suits, which service shall likewise be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. If said attorney in fact be a corporation, either foreign or domestic, or joint stock company, or association, service of process thereon may be had in any manner provided by general law for service of process on corporations, joint stock companies, or associations."

Sec. 4. That Article 5029 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5029. Financial Requirements. There shall be maintained at all times such reserves as are required, or which, by the laws of this State or by the lawful rules and regulations of the Board of Insurance Commissioners, hereafter may be required, to be maintained by stock insurance companies transacting the same kind or kinds of insurance business.

"There shall be maintained at all times assets in a sum sufficient to discharge all liabilities, including reserves, and to provide a surplus over all liabilities, including reserves, of



not less than Fifty Thousand (\$50,000) Dollars, and if at any time such surplus shall not equal that amount the attorney may make up such deficiency in the manner provided by Article 5029a of this Chapter.

"The required assets of such exchanges shall be maintained in cash or securities of the kind in which general casualty companies are authorized by law to invest or lend their funds. Any exchange whose attorney in fact now has a certificate of authority to transact business in this State shall have until December 31, 1941, to fulfill the foregoing financial requirements specified in this Article; provided, however, that, upon good cause shown, the Board of Insurance Commissioners may, in the exercise of reasonable discretion, extend such period of time for not to exceed three (3) years thereafter; provided further, however, that any exchange requiring such additional time to fulfill such financial requirements shall not have, at any time after the passage of this Act, a surplus less than its said surplus as the same existed on January 1st, 1939.

"If fidelity and surety bond insurance is exchanged in this State by any reciprocal exchange, there shall be kept on deposit with the State Treasurer of Texas, money, bonds, or other securities, in an amount not less than Fifty Thousand (\$50,000) Dollars. Such securities shall be approved by the Board of Insurance Commissioners, and this amount shall be kept intact at all times. Any foreign exchange writing fidelity and surety bonds in this State shall file with the Board of Insurance Commissioners evidence, satisfactory to the Board of Insurance Commissioners, that it has on deposit with the State Treasurer or other proper officials of its home State or in escrow under his supervision and control in some reliable bank or trust company One Hundred Thousand (\$100,000) Dollars or more, in money, bonds or other securities for the protection of its policyholders; provided, further, that if said bonds and securities herein referred to are not acceptable to and approved by the Board of Insurance Commissioners of Texas, said Board shall have the right and authority to deny the attorney in fact a certificate of authority."

Sec. 5. That Chapter 20, Title 78, of the Revised Civil Statutes of

Texas, 1925, be, and it is hereby, amended by adding thereto a new Article to be numbered 5029a and reading as follows:

"Article 5029a. May Advance Money. Any attorney in fact of such exchange may advance to such exchange any sum or sums of money necessary for the purpose of its business or to enable it to comply with any requirement of law, and such moneys and interest thereon as may have been agreed upon, not exceeding ten (10) per cent per annum, shall be payable, subject to the approval of the Board of Insurance Commissioners (which approval shall not be arbitrarily refused), only out of the surplus remaining, after providing for all reserves, other liabilities and required surplus, and shall not otherwise be a liability or claim against the exchange or any of its assets. No commission or promotion expenses, or other bonus, shall be paid in connection with the advance of any such money to the exchange, and the amount of all such advances shall be reported in each annual statement."

Sec. 6. That Article 5031 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Article 5031. Any Corporation May Exchange. Any corporation, public, private or municipal, now or hereafter organized under the laws of this State, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purpose for which such corporations are organized and as much granted as the rights and powers expressly conferred."

Sec. 7. That Article 5032 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5032. Certificate of Authority. Such attorney by whom or through whom are issued any policies of or contracts for indemnity of the characted referred to herein shall procure from the Board of Insurance Commissioners annually a certificate

of authority stating that all of the requirements have been complied with, and upon such compliance and the payment of the fees required by law, the Board of Insurance Commissioners shall issue such certificate of authority. Such Board of Insurance Commissioners may revoke or suspend any certificate of authority issued hereunder in case of breach of any condition imposed by this law, after reasonable written notice has been given said attorney so that he may appear and show cause why action should not be taken; provided, that said attorney by whom and through whom are issued any policies of or contracts for indemnity of the character herein referred to shall have the right of appeal to any District Court of Travis County, Texas, and shall have twenty (20) days from the date of any adverse ruling to effect such appeal; and the further right of appeal by any such attorney from the ruling or decision of any such District Court is hereby expressly granted. Any attorney who may have procured a certificate of authority hereunder shall renew same annually thereafter. Any certificate of authority shall continue in effect until the new certificate of authority be issued or specifically refused. The schedule of fees set out in Article 3920, so far as pertinent, shall apply to reciprocal exchanges and their attorneys in fact. Said exchanges shall pay a tax of three and one-fourth ( $3\frac{1}{4}$ ) per cent on all premiums collected, except fire and workmen's compensation premiums, under the provisions of Article 7064, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended, Acts 1937, Forty-fifth Legislature, House Bill No. 441, Section 1, as amended, Acts 1939, Forty-sixth Legislature, House Bill No. 556, subject to reduction by investment in Texas securities as therein provided; and exchanges writing workman's compensation insurance shall pay a tax of one-half ( $\frac{1}{2}$ ) of one (1) per cent of the workmen's compensation premiums collected under the provisions of Article 7064a, Revised Civil Statutes of Texas, 1925, as enacted by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth

Legislature, 1936, as amended, Acts, 1937, Forty-fifth Legislature, by House Bill No. 441, Section 1-b, as amended Acts 1939, Forty-sixth Legislature, House Bill No. 537, and a further tax of three-fifths ( $\frac{3}{5}$ ) of one (1) per cent or such lesser amount as the Board of Insurance Commissioners may assess, on workmen's compensation premiums collected in this State under the provisions of Chapter 25, Section 1, Acts of 1937, Forty-fifth Legislature.

"Provided further, that an additional tax of one-fifth ( $\frac{1}{5}$ ) of one (1) per cent or such lesser amount as the Board of Insurance Commissioners may assess shall be paid by such exchanges on gross premiums collected for motor vehicle insurance under the provisions of Chapter 253, Acts of the Fortieth Legislature, as amended Acts of 1937, Forty-fifth Legislature by Senate Bill No. 77."

Sec. 8. That Article 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5033. When Insurance Law Applies. Except as provided in this Chapter, no insurance law of this State shall apply to the exchange of such indemnity contracts unless reciprocal or interinsurance exchanges are specifically mentioned in such other laws."

Sec. 9. That an Article to be designated Article 5033a shall be added to Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and that said additional Article designated Article 5033a, shall read as follows:

"Article 5033a. If any word, phrase, clause, sentence, paragraph or Section, or part thereof, of this Chapter shall be held invalid, unconstitutional or inoperative, such holding shall not affect the validity of the remainder of this Chapter, and the Legislature declares hereby that it would have enacted the remainder of said Chapter, despite any such invalidity. If any exception to or limitation upon any general provision contained herein shall be held to be invalid, unconstitutional or inoperative, the general provision, nevertheless, shall stand effective and valid as if the same had been enacted without such limitation or exception."

Sec. 10. The fact that the present laws covering the subject material of

this Act are inadequate creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read in each House on three several days, and the Constitutional Rule, requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Keith, the report was adopted by the following vote:

## Yeas—119

Allison	Harrell of Bastrop
Alsup	Harris
Anderson	Heflin
Bailey	Holland
Baker	Howard
of Fort Bend	Howington
Baker of Grayson	Hunt
Bell	Isaacks
Blankenship	Johnson of Ellis
Boethel	Johnson of Tarrant
Bond	Keith
Boyd	Kennedy
Boyer	Kern
Bradford	Kerr
Bridgers	Kersey
Brown of Cherokee	King
Burkett	Langdon
Burney	Lehman
Cauthorn	Leonard
Chambers	Leyendecker
Clark	Little
Cleveland	Lock
Cockrell	Loggins
Colquitt	London
Colson, Mrs.	Mays
Cornett	McAlister
Crossley	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Derden	McNamara
Dickson	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dwyer	Morris
Faulkner	Newell
Fielden	Nicholson
Fuchs	Pace
Gordon, Mrs.	Petsch
Hale	Pevehouse
Hamilton	Pope
Hankamer	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Rhodes
Harper	Riviere

Roach	Taylor
Roberts	Tennant
Robinson	Thornberry
Russell	Thornton
Segrist	Vint
Shell	Voigt
Skiles	Weldon
Smith of Frio	Wells
Smith of Hopkins	Westbrook
Smith	White
of Matagorda	Wilson
Spencer	Winfree
Stinson	Wood
Talbert	Worley
Tarwater	

## Nays—1

Allen

Present—Not Voting

Brown  
of Nacogdoches

Absent

Bradbury	Hartzog
Broadfoot	Hull
Bundy	Kinard
Celaya	Oliver
Coleman	Piner
Corry	Ragsdale
Dowell	Reader of Bexar
Felty	Stoll
Ferguson	Turner
Galbreath	Vale
Gilmer	Waggoner
Goodman	Wright
Harrell of Lamar	

Absent—Excused

Bray  
Daniel  
Schuenemann

## HOUSE BILL NO. 161 WITH SENATE AMENDMENTS

Mr. Hale called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 161, A bill to be entitled "An Act giving the Commissioners' Courts authority to fix the salary of the County Treasurer, amending Section 13, Article 3912-E, Revised Civil Statutes of Texas, 1925, reducing the minimum compensation which the County Treasurer is authorized to receive, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Mr. Hale moved that the House do not concur in the Senate amendments, and that a Conference Committee be

requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### MESSAGE FROM THE SENATE

Austin Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 622, A bill to be entitled "An Act amending Section 2, Article 2326e, of the Revised Civil Statutes of Texas, 1925, as amended, providing for salaries of reporters in certain counties, and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses, etc., and declaring an emergency." (With amendment.)

H. B. No. 698, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Parker County for a period of four (4) years from and after April 15, 1940, and in Stephens County from and after the passage of this Act, etc., and declaring an emergency."

H. B. No. 829, A bill to be entitled "An Act validating the action of corporate cities, towns, or villages in counties having a population of more than forty-six thousand, one hundred (46,100) and less than forty-six thousand, two hundred (46,200) which have attempted to accept the provisions of Title 28 of the Revised Civil Statutes of Texas of 1925, and giving said cities, town, or villages all the powers of cities and towns as provided in said Title 28; etc., and declaring an emergency."

H. B. No. 801, A bill to be entitled "An Act authorizing County Commissioners Courts in certain counties to pay employees' salaries while ill or injured; etc., and declaring an emergency." (With amendment.)

H. B. No. 879, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, and transfer all right,

title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas; etc., and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act authorizing the Commissioners Court of counties having a population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000), according to the last preceding Federal Census, to appoint a County Building Inspector and Assistants; providing for the payment of salary to such appointees; etc., and declaring an emergency."

H. B. No. 941, A bill to be entitled "An Act to amend House Bill No. 832, Chapter 426, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10a, 10b, 10c, 10d, 10e, and 10f, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America, etc., for the control of flood waters for the San Jacinto watersheds, and declaring an emergency."

H. B. No. 960, A bill to be entitled "An Act to create a police pension system for all cities in this State having a population in excess of two hundred and ninety thousand (290,000), according to the preceding Federal Census; etc., and declaring an emergency."

H. B. No. 954, A bill to be entitled "An Act relating to marks and brands of livestock in Chambers County, requiring that each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said County; etc., and declaring an emergency."

H. B. No. 955, A bill to be entitled "An Act establishing, authorizing, and providing for junior colleges in connection with the independent school districts now established or hereafter to be established and located in all

counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200), according to the last Federal Census; etc., and declaring an emergency."

H. B. No. 958, A bill to be entitled "An Act providing for a budget system in counties of three hundred and fifty thousand (350,000) inhabitants or more as shown by the last preceding Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget and the finances of said counties; etc., and declaring an emergency." (With amendment.)

H. B. No. 987, A bill to be entitled "An Act to create and establish a perpetual, public charitable, non-profit body corporate, to be denominated 'Navarro Community Foundation'; etc., and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act amending Article 835c, Revised Civil Statutes of Texas of 1925, Acts of the Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States, etc., and declaring an emergency."

H. B. No. 132, A bill to be entitled "An Act making it unlawful for any attorney at law, attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to charge a fee for any services that they might render to obtain benefits for any person or persons from the social security program, etc., and declaring an emergency." (With amendment.)

H. B. No. 161, A bill to be entitled "An Act amending Article 3912e, Section 13, Revised Civil Statutes of Texas of 1925, to allow the Commissioners Courts in all counties of more than forty-six thousand, one hundred (46,100) and less than forty-six thousand (46,000) population to fix the salary of their County Treasurer, etc., and declaring an emergency. (With amendment.)

H. B. No. 191, A bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing

group hospital service, and to provide for the method of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of Texas, of 1925; amending Article 1302, etc., and declaring an emergency." (With amendment.)

H. B. No. 205, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency." (With amendment.)

H. B. No. 333, A bill to be entitled "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than forty-eight thousand, five hundred and twenty-five (48,525) and not more than forty-eight thousand, five hundred and fifty (48,550) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

H. B. No. 541, A bill to be entitled "An Act amending Article 6871, Title 120, Revised Civil Statutes of the State of Texas, 1925, providing a penalty for violation of the Act by anyone charged with enforcing it; repealing all laws in conflict, and declaring an emergency."

H. B. No. 544, A bill to be entitled "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750) and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, etc., and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act to amend Article 7255 of the Revised Civil Statutes of Texas of 1925, by providing that the Commissioners Court of a county may order the Tax Assessor and Collector of said county to post notices in each voting or justice precinct in said county of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for

the purpose of receiving taxes, and declaring an emergency."

H. B. No. 715, A bill to be entitled "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, Regular Session, Senate Bill No. 431, in so far as the same relates to the Seventy-sixth Judicial District, etc., and declaring an emergency."

H. B. No. 742, A bill to be entitled "An Act changing the name of the State Juvenile Training School to be hereafter known as the Gatesville State School for Boys, and declaring an emergency."

H. B. No. 759, A bill to be entitled "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new Sections to be known as Section 3a, Section 9a, and Section 11a, providing for the elimination of certain wages from determination of eligibility for benefits; etc., and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act authorizing Precinct No. 4 in Lipscomb County, Texas, by vote of the people to determine whether or not they will authorize in said Precinct, the issuance of bonds and levying and collection of the tax not to exceed ten (10c) cents on the One Hundred (\$100.00) Dollars valuation on all property in said Precinct; providing interest on said bonds; etc., and declaring an emergency."

H. B. No. 869, A bill to be entitled "An Act prohibiting the liberation of wild fox in Parker County; providing a suitable penalty for any violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 872, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor; etc., and declaring an emergency."

H. B. No. 877, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and sixty (10,360) and not more than ten thousand,

three hundred and eighty (10,380), etc., and declaring an emergency."

H. B. No. 884, A bill to be entitled "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same, etc., and declaring an emergency."

H. B. No. 885, A bill to be entitled "An Act authorizing County Commissioners Courts and City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, etc., and declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; etc., and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; providing rules for cleaning and sterilizing dishes or utensils; etc., and declaring an emergency."

H. B. No. 929, A bill to be entitled "An Act to prohibit cities, towns, and villages from dedicating or establishing thoroughfares or public streets and/or alleys through certain parks commonly known as amusement parks, etc., and declaring an emergency." (With amendment.)

H. B. No. 939, A bill to be entitled "An Act amending Article 6625, of the 1925 Revised Civil Statutes of Texas by adding thereto a new Article 6625a providing for the recording of certified copies of instruments affecting real estate, etc., and declaring an emergency."

Adopted

H. C. R. No. 72, Granting L. L. White, et al, permission to sue the State. (With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Bell, House Bills Nos. 1041 and 1042 were ordered not printed.

HOUSE BILL NO. 191 WITH SEN-  
ATE AMENDMENTS

Mr. Dean called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 191, A bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

On motion of Mr. Dean, the House concurred in the Senate amendments by the following vote:

Yeas—123

Allen	Faulkner
Allison	Ferguson
Alsup	Fuchs
Bailey	Galbreath
Baker	Gilmer
of Fort Bend	Goodman
Baker of Grayson	Gordon, Mrs.
Bell	Hale
Blankenship	Hamilton
Boethel	Hankamer
Boyd	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bridgers	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown of Cherokee	Heflin
Brown	Holland
of Nacogdoches	Howard
Burney	Howington
Cauthorn	Hunt
Celaya	Isaacks
Chambers	Johnson of Ellis
Clark	Keith
Cleveland	Kennedy
Cockrell	Kern
Coleman	Kerr
Colquitt	Kersey
Colson, Mrs.	King
Cornett	Langdon
Corry	Lehman
Crossley	Leonard
Davis of Jasper	Leyendecker
Davis of Upshur	Lock
Dean	Loggins
Derden	London
Dickison	Mays
Dickson	McAlister
Donaghey	McDaniel
Dowell	McNamara

Mohrmann  
Monkhouse  
Morris  
Newell  
Nicholson  
Oliver  
Pace  
Petsch  
Pevehouse  
Piner  
Pope  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Riviere  
Roach  
Roberts  
Robinson  
Russell  
Segrist  
Shell  
Skiles

Smith of Hopkins  
Smith  
of Matagorda  
Spencer  
Stinson  
Stoli  
Talbert  
Taylor  
Tennant  
Thornberry  
Thornton  
Vale  
Vint  
Voigt  
Waggoner  
Weldon  
Westbrook  
White  
Wilson  
Winfree  
Wood  
Worley  
Wright

Absent

Anderson	Little
Bundy	McDonald
Burkett	McFarland
Dwyer	McMurry
Felty	Montgomery
Fielden	Ragsdale
Harris	Reader of Bexar
Hartzog	Smith of Frio
Hull	Tarwater
Johnson of Tarrant	Turner
Kinard	Wells

Absent—Excused

Bond	Daniel
Bray	Schuenemann

HOUSE BILL NO. 688 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular

Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Tarwater, substitute by Mr. Keith for the amendment by Mr. Tarwater, amendment by Mr. Petsch (by unanimous consent) to the amendment by Mr. Tarwater, and substitute by Mr. Smith of Frio for the amendment by Mr. Petsch, pending.

Question — Shall the substitute amendment by Mr. Smith of Frio be adopted?

#### RECESS

Mr. Hardin moved that the House recess until 11:30 o'clock a. m., today, for the purpose of attending the presentation and unveiling of the portrait of Honorable Tom Connally, in the Senate Chamber.

The motion prevailed.

The House, accordingly, at 11:00 o'clock a. m., took recess until 11:30 o'clock a. m., today.

The House reconvened at 11:30 o'clock a. m., and was called to order by the Speaker.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 357, A bill to be entitled "An Act to amend Title 69 of the Revised Civil Statutes of Texas, 1925, by amending Articles 4113, 4114, 4116 and 4117 of Chapter 2 of said Title 69 relating to the commencement of proceedings for the appointment of guardians of the persons and estates of minors, persons of unsound mind, habitual drunkards and persons for whom it is necessary to appoint guardians to collect funds from the Federal Government, etc., and declaring an emergency."

S. B. No. 433, A bill to be entitled "An Act to enable common school dis-

tricts in each county of Texas having a population of not less than eleven thousand, twenty-one (11,021) nor more than eleven thousand, fifty (11,050), according to the latest Federal Census, to vote bonds, levy taxes for the same, for the purpose of purchasing not more than one school bus, etc., and declaring an emergency."

S. B. No. 441, A bill to be entitled "An Act authorizing County Boards of School Trustees to abolish and/or subdivide common school districts having fewer than ten (10) scholastics and not having conducted a school for a period of five (5) years providing that the territory of school districts so abolished or subdivided may be attached to contiguous districts in such manner as may be determined by the County Boards, etc., and declaring an emergency."

H. B. No. 359, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 357, to the Committee on Judiciary.

Senate Bill No. 441, to the Committee on Education.

Senate Bill No. 433, to the Committee on Education.

#### RECESS

Mr. Smith of Hopkins moved that the House recess until 2:00 o'clock p. m., today.

Mr. Corry moved that the House recess until 2:30 o'clock p. m., today.

The motion of Mr. Smith of Hopkins prevailed, and the House, accordingly, at 11:35 o'clock a. m., took recess until 2:00 o'clock p. m., today.



## AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

APPOINTMENT OF CONFERENCE COMMITTEE ON  
HOUSE BILL  
NO. 166

Mr. Isaacks moved to suspend the Rules, relative to the making of motions to reconsider, for the purpose of making a motion to reconsider the vote by which the House heretofore concurred in Senate amendments to House Bill No. 166.

The motion to suspend the Rules prevailed unanimously.

Mr. Isaacks moved to reconsider the vote by which the House concurred in Senate amendments to House Bill No. 166.

The motion to reconsider, prevailed.

Mr. Isaacks then withdrew the motion that the House concur in Senate amendments to House Bill No. 166.

Mr. Isaacks then moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee, on the part of the House on House Bill No. 166: Messrs. Loggins, Bridgers, Brown of Cherokee, Montgomery and Isaacks.

HOUSE BILL NO. 132 WITH SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 132, A bill to be entitled "An Act making it unlawful for any attorney at law, attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to charge a fee for any services of any character or kind that he might render in behalf of a person or persons who might now or at any time hereafter be eligible for any Social Security Benefits as provided by the laws of Texas and/or the United States; declaring it to be unlawful for any such attorney at law, or at-

torney in fact, or any person, firm, corporation, or association of persons whatsoever to advertise, hold himself out, or solicit fees in behalf of such efforts or services; prescribing penalty for violation of the provisions of this Act; making provisions for certain organizations; repealing all laws, or parts of laws in conflict herewith, and declaring an emergency."

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 649 WITH SENATE AMENDMENTS

Mr. Donaghey called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 649, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

On motion of Mr. Donaghey, the House concurred in the Senate amendments.

CHANGE IN CONFERENCE COMMITTEE

The Speaker announced the appointment of Mr. Holland to replace Mr. Hull as a conferee on House Bill No. 249.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 161

The Speaker announced the appointment of the following Conference Committee on House Bill No. 161: Messrs. Cornett, Skiles, Alsup, Chambers and Hale.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

May 2, 1939.

To the Members of the House of

Representatives of the Forty-sixth Legislature:

In compliance with the terms of Senate Concurrent Resolution No. 42, I am herewith returning Senate Bill No. 70 to your body for such consideration as you wish to give it.

Very truly yours,

W. LEE O'DANIEL,  
Governor.

#### RELATIVE TO HOUSE BILL NO. 194

Mr. Dean moved to suspend the Rules, relative to the making of motions to reconsider, for the purpose of making a motion to reconsider the vote by which the Conference Report on House Bill No. 194 was adopted.

The roll of the House was called, and the vote announced as follows:

#### Yeas—68

Bailey	Lock
Blankenship	London
Boyd	McAlister
Boyer	McDaniel
Bradbury	McFarland
Bradford	McMurry
Bray	McNamara
Brown of Cherokee	Montgomery
Bundy	Newell
Burney	Nicholson
Cauthorn	Oliver
Chambers	Petsch
Cleveland	Pevehouse
Cockrell	Piner
Colquitt	Pope
Dean	Reader of Erath
Derden	Reed
Dickison	Riviere
Dickson	Roach
Donaghey	Roberts
Faulkner	Robinson
Ferguson	Russell
Gordon, Mrs.	Segrist
Hardeman	Skiles
Harp	Stoll
Harrell of Bastrop	Talbert
Hunt	Taylor
Johnson of Ellis	Tennant
Johnson of Tarrant	Thornberry
Keith	Thornton
Kennedy	Vale
Kinard	Vint
King	Wilson
Langdon	Winfree

#### Nays—23

Alsup	Broadfoot
Bridgers	Burkett

Cornett	Lehman
Crossley	Mays
Galbreath	Pace
Gilmer	Smith of Hopkins
Goodman	Spencer
Hale	Stinson
Hankamer	Voigt
Howington	Weldon
Isaacks	Wright
Kersey	

#### Present—Not Voting

Baker of Grayson	Brown
	of Nacogdoches

#### Absent

Allen	Howard
Allison	Hull
Anderson	Kern
Baker	Kerr
of Fort Bend	Leonard
Bell	Leyendecker
Boethel	Little
Bond	Loggins
Celaya	McDonald
Clark	Mohrmann
Coleman	Monkhouse
Colson, Mrs.	Morris
Corry	Ragsdale
Davis of Jasper	Reader of Bexar
Davis of Upshur	Reaves
Dowell	Rhodes
Dwyer	Shell
Felty	Smith of Frio
Fielden	Smith
Fuchs	of Matagorda
Hamilton	Tarwater
Hardin	Turner
Harper	Waggoner
Harrell of Lamar	Wells
Harris	Westbrook
Hartzog	White
Heflin	Wood
Holland	Worley

#### Absent—Excused

Daniel	Schuenemann
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Mr. Kersey raised the point of order, that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Derden moved a call of the House, for the purpose of securing a quorum, and the call was duly ordered.

On motion of Mr. Derden, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was called, and the following Members were present:

Allison	Kern
Alsup	Kerr
Bailey	Kersey
Baker	Kinard
of Fort Bend	King
Baker of Grayson	Lehman
Bell	Leonard
Blankenship	Little
Boyd	Lock
Boyer	London
Bradbury	McAlister
Bradford	McDonald
Bray	McFarland
Bridgers	McMurry
Broadfoot	Mohrmann
Brown of Cherokee	Monkhouse
Brown	Montgomery
of Nacogdoches	Morris
Bundy	Newell
Burkett	Nicholson
Burney	Oliver
Cauthorn	Pace
Celaya	Petsch
Chambers	Piner
Clark	Pope
Cleveland	Reader of Erath
Cockrell	Reaves
Coleman	Reed
Colquitt	Riviere
Colson, Mrs.	Roach
Cornett	Roberts
Corry	Robinson
Crossley	Russell
Davis of Upshur	Segrist
Dean	Shell
Derden	Skiles
Dickison	Smith of Hopkins
Dickson	Smith
Donaghey	of Matagorda
Dowell	Spencer
Faulkner	Stinson
Felty	Talbert
Ferguson	Tarwater
Galbreath	Taylor
Gilmer	Tennant
Goodman	Thornberry
Gordon, Mrs.	Thornton
Hale	Turner
Hankamer	Vale
Hardeman	Vint
Harp	Voigt
Harrell of Bastrop	Waggoner
Howard	Weldon
Howington	Wells
Hunt	Westbrook
Isaacks	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Wood
Keith	Wright
Kennedy	

## Absent

Allen	Hull
Anderson	Langdon
Boethel	Leyendecker
Bond	Loggins
Davis of Jasper	Mays
Dwyer	McDaniel
Fielden	McNamara
Fuchs	Pevehouse
Hamilton	Ragsdale
Hardin	Reader of Bexar
Harper	Rhodes
Harrell of Lamar	Smith of Frio
Harris	Stoll
Hartzog	Winfree
Heflin	Worley
Holland	

## Absent—Excused

Daniel	Schuenemann
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The Speaker announced that there was a quorum present.

Question again recurring on the motion, by Mr. Dean, to suspend the Rules, it prevailed by the following vote:

## Yeas—93

Allison	Fielden
Bailey	Gordon, Mrs.
Baker	Hamilton
of Fort Bend	Hardeman
Baker of Grayson	Harp
Blankenship	Harrell of Bastrop
Bond	Harris
Boyd	Hartzog
Boyer	Heflin
Bradbury	Howard
Bradford	Hunt
Brown of Cherokee	Johnson of Ellis
Bundy	Johnson of Tarrant
Burney	Keith
Cauthorn	Kennedy
Celaya	Kinard
Chambers	King
Cleveland	Langdon
Cockrell	Leonard
Coleman	Lock
Colquitt	London
Cornett	McAlister
Corry	McDonald
Crossley	McFarland
Dean	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Petsch

Pevehouse	Talbert
Piner	Tarwater
Pope	Taylor
Reader of Bexar	Tennant
Reader of Erath	Thornberry
Reaves	Thornton
Reed	Turner
Riviere	Vale
Roberts	Waggoner
Robinson	White
Russell	Wilson
Segrist	Winfree
Shell	Wood
Smith	Worley

of Matagorda

#### Nays—27

Alsup	Kersey
Bridgers	Lehman
Broadfoot	Leyendecker
Burkett	Mays
Davis of Upshur	Pace
Galbreath	Roach
Gilmer	Smith of Frio
Goodman	Spencer
Hale	Stinson
Hankamer	Voigt
Howington	Weldon
Isaacks	Westbrook
Kern	Wright
Kerr	

#### Present—Not Voting

Brown  
of Nacogdoches

#### Absent

Allen	Hull
Anderson	Little
Bell	Loggins
Boethel	McDaniel
Clark	Oliver
Colson, Mrs.	Ragsdale
Davis of Jasper	Rhodes
Dwyer	Skiles
Fuchs	Smith of Hopkins
Hardin	Stoll
Harper	Vint
Harrell of Lamar	Wells
Holland	

#### Absent—Excused

Bray	Schuenemann
Daniel	

Mr. Dean then moved to reconsider the vote by which the Conference Committee Report on House Bill No. 194 was adopted.

The motion to reconsider prevailed.

Mr. Dean withdrew the motion that the Conference Committee Report on House Bill No. 194 be adopted.

Mr. Dean then moved that the Conference Committee Report on House Bill No. 194 be not adopted, and that a new Conference Committee be appointed to adjust the differences.

The motion prevailed.

#### REASON FOR VOTE

An opinion of the Attorney General declares unconstitutional certain provisions of this Act and in view of this fact I am against passage of the bill in present form.

SPENCER.

#### HOUSE BILL NO. 929 WITH SENATE AMENDMENTS

Mr. Reed called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 929, A bill to be entitled "An Act to prohibit cities, towns and villages from dedicating or establishing thoroughfares or public streets and/or alleys through certain parks commonly known as amusement parks and to prevent general vehicular traffic through same and permitting cities, towns and villages to otherwise regulate vehicular traffic in parks; repealing all laws and parts of laws in conflict, and declaring an emergency."

On motion of Mr. Reed, the House concurred in the Senate amendments by the following vote:

#### Yeas—123

Allen	Chambers
Allison	Clark
Alsup	Cleveland
Bailey	Cockrell
Baker	Coleman
of Fort Bend	Colquitt
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Blankenship	Corry
Bond	Crossley
Boyd	Davis of Jasper
Boyer	Davis of Upshur
Bradbury	Derden
Bradford	Dickison
Bray	Dickson
Bridgers	Donaghey
Brown of Cherokee	Dowell
Brown	Faulkner
of Nacogdoches	Felty
Bundy	Ferguson
Burkett	Fielden
Cauthorn	Galbreath

Gilmer	Newell
Goodman	Nicholson
Gordon, Mrs.	Oliver
Hale	Pace
Hamilton	Petsch
Hankamer	Pevehouse
Hardeman	Piner
Harp	Pope
Harrell of Bastrop	Reader of Bexar
Harris	Reader of Erath
Hartzog	Reaves
Heflin	Reed
Howard	Riviere
Howington	Roach
Hunt	Roberts
Johnson of Tarrant	Robinson
Keith	Russell
Kennedy	Segrist
Kern	Skiles
Kerr	Smith of Frio
Kersey	Smith
Kinard	of Matagorda
King	Spencer
Langdon	Stinson
Lehman	Stoll
Leonard	Talbert
Leyendecker	Taylor
Little	Tennant
Lock	Thornberry
Loggins	Thornton
London	Vale
Mays	Vint
McAlister	Voigt
McDonald	Waggoner
McFarland	Weldon
McMurry	Wells
McNamara	White
Mohrmann	Wilson
Monkhouse	Winfree
Montgomery	Worley
Morris	Wright

## Present—Not Voting

Westbrook

## Absent

Anderson	Hull
Boethel	Isaacks
Broadfoot	Johnson of Ellis
Burney	McDaniel
Celaya	Ragsdale
Dean	Rhodes
Dwyer	Shell
Fuchs	Smith of Hopkins
Hardin	Tarwater
Harper	Turner
Harrell of Lamar	Wood
Holland	

## Absent—Excused

Daniel Schuenemann

RELATIVE TO SENATE BILL  
NO. 69

Mr. Howard moved to suspend all necessary Rules, for the purpose of reconsidering the vote by which Senate Bill No. 69 was passed.

The motion to suspend the Rules prevailed by the following vote:

## Yeas—122

Allen	Harrell of Bastrop
Allison	Harrell of Lamar
Alsup	Harris
Bailey	Hartzog
Baker	Heflin
of Fort Bend	Howard
Baker of Grayson	Howington
Bell	Hunt
Blankenship	Isaacks
Bond	Johnson of Tarrant
Boyd	Keith
Boyer	Kennedy
Bradbury	Kern
Bradford	Kersey
Bray	King
Bridgers	Langdon
Brown of Cherokee	Lehman
Brown	Leyendecker
of Nacogdoches	Little
Bundy	Lock
Burkett	Loggins
Burney	London
Cauthorn	Mays
Chambers	McAlister
Clark	McDaniel
Cleveland	McDonald
Cockrell	McFarland
Coleman	McMurry
Colquitt	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Crossley	Morris
Davis of Jasper	Newell
Derden	Nicholson
Dickson	Oliver
Donaghey	Pace
Dowell	Petsch
Faulkner	Pevehouse
Felty	Pope
Ferguson	Reader of Bexar
Fielden	Reader of Erath
Galbreath	Reaves
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Segrist
Hardeman	Shell
Harp	Skiles
Harper	Smith of Frio

Smith of Hopkins	Vale
Smith	Vint
of Matagorda	Voigt
Spencer	Waggoner
Stinson	Weldon
Stoll	Wells
Tarwater	Westbrook
Taylor	White
Tennant	Wilson
Thornberry	Worley
Thornton	

Nays—3

Davis of Upshur	Talbert
Kerr	

Absent

Anderson	Johnson of Ellis
Boethel	Kinard
Broadfoot	Leonard
Celaya	Piner
Dean	Ragsdale
Dickison	Reed
Dwyer	Rhodes
Fuchs	Turner
Hardin	Winfree
Holland	Wood
Hull	Wright

Absent—Excused

Daniel	Schuenemann
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On motion of Mr. Howard, the vote was reconsidered by which Senate Bill No. 69 was passed.

Question—Shall Senate Bill No. 69 be passed?

Mr. Howard then offered the following amendment to the bill:

Amend Senate Bill No. 69, by striking out all below the enacting clause, and substitute in lieu thereof, the following, to-wit:

"Section 1. No party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error.

Section 2. All laws and parts of laws, insofar as they conflict with this Act, are repealed. Writ of error shall continue to be available under the rules and regulations of the law to a party who does not participate in the trial of the case in the trial court.

Section 3. It is hereby provided that this Act shall take effect from and after January 1, 1940.

Section 4. The need that delay of justice be not caused by parties who

should reasonably use appeal instead of writ of error and the near approach of the end of the Session creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is suspended and this Act shall take effect from and after its passage, and it is so enacted."

The amendment was adopted by the following vote:

Yeas—121

Allen	Harrell of Lamar
Allison	Harris
Alsup	Hartzog
Bailey	Heflin
Baker	Howard
of Fort Bend	Howington
Baker of Grayson	Hull
Bell	Hunt
Blankenship	Johnson of Ellis
Bond	Johnson of Tarrant
Boyd	Keith
Boyer	Kennedy
Bradbury	Kern
Bradford	Kersey
Bray	Kinard
Broadfoot	King
Brown of Cherokee	Langdon
Brown	Lehman
of Nacogdoches	Leyendecker
Bundy	Little
Burkett	Lock
Burney	Loggins
Cauthorn	London
Chambers	Mays
Clark	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Coleman	McFarland
Colson, Mrs.	McMurry
Corry	McNamara
Crossley	Mohrmann
Davis of Jasper	Morris
Davis of Upshur	Newell
Derden	Nicholson
Dickson	Oliver
Donaghey	Petsch
Dowell	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Reader of Bexar
Fielden	Reader of Erath
Galbreath	Reaves
Gilmer	Riviere
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Harp	Segrist
Harper	Shell

Skiles	Thornton
Smith of Frio	Vint
Smith of Hopkins	Voigt
Smith	Waggoner
of Matagorda	Weldon
Spencer	Wells
Stinson	Westbrook
Stoll	White
Talbert	Wilson
Tarwater	Winfree
Taylor	Wood
Tennant	Worley
Thornberry	Wright

Nays—1

Kerr

Absent

Anderson	Harrell of Bastrop
Boethel	Holland
Bridgers	Isaacks
Celaya	Leonard
Colquitt	Monkhouse
Cornett	Montgomery
Dean	Pace
Dickison	Ragsdale
Dwyer	Reed
Fuchs	Rhodes
Goodman	Turner
Hardeman	Vale
Hardin	

Absent—Excused

Daniel Schuenemann

Mr. Howard offered the following amendment to the bill:

Amend Senate Bill No. 69, by striking out all above the resolving clause, and substitute in lieu thereof, the following:

## "A BILL

## To Be Entitled

An Act providing that no party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws insofar as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this Act, and declaring an emergency."

The amendment was unanimously adopted.

Senate Bill No. 69 was then passed by the following vote:

Yeas—116

Allen	Kerr
Allison	Kersey
Alsup	Kinard
Bailey	King
Baker	Langdon
of Fort Bend	Lehman
Baker of Grayson	Leyendecker
Bell	Little
Bond	Lock
Boyd	Loggins
Boyer	London
Bradbury	Mays
Bradford	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Bundy	McNamara
Burkett	Mohrmann
Burney	Monkhouse
Cauthorn	Morris
Celaya	Newell
Chambers	Nicholson
Clark	Oliver
Cleveland	Petsch
Cockrell	Pevehouse
Coleman	Piner
Colquitt	Pope
Colson, Mrs.	Reader of Bexar
Corry	Reader of Erath
Crossley	Reaves
Derden	Riviere
Dickson	Roach
Donaghey	Roberts
Dowell	Robinson
Faulkner	Russell
Felty	Segrist
Ferguson	Shell
Fielden	Skiles
Galbreath	Smith of Hopkins
Gilmer	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hamilton	Stinson
Hankamer	Stoll
Harp	Tarwater
Harper	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornberry
Harris	Thornton
Hartzog	Vale
Howard	Vint
Howington	Voigt
Hunt	Waggoner
Johnson of Tarrant	Weldon
Keith	Wells
Kennedy	White
Kern	Wilson

Wood Wright  
Worley

Nays—3

Bray Talbert  
Davis of Upshur

Absent

Anderson	Holland
Blankenship	Hull
Boethel	Isaacks
Bridgers	Johnson of Ellis
Cornett	Leonard
Davis of Jasper	Montgomery
Dean	Pace
Dickison	Ragsdale
Dwyer	Reed
Fuchs	Rhodes
Goodman	Smith of Frio
Hardeman	Turner
Hardin	Westbrook
Heflin	Winfree

Absent—Excused

Daniel Schuenemann

#### HOUSE BILL NO. 688 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 688, relative to the Board of County and District Road Indebtedness, etc., on its passage to engrossment.

The bill having heretofore been read second time, with amendment by Mr. Tarwater, substitute by Mr. Keith for the amendment by Mr. Tarwater, amendment by Mr. Petsch (by unanimous consent) to the amendment by Mr. Tarwater, and substitute by Mr. Smith of Frio for the amendment by Mr. Petsch, pending.

Mr. Smith of Frio moved the previous question, on the amendment by Mr. Petsch, and the substitute amendment by himself for the amendment by Mr. Petsch, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Smith of Frio, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—45

Allen	Clark
Allison	Cleveland
Bundy	Cockrell
Cauthorn	Davis of Jasper
Chambers	Dickson

Galbreath	Oliver
Gilmer	Reader of Erath
Goodman	Reaves
Hamilton	Rhodes
Hardeman	Roberts
Harp	Robinson
Harrell of Bastrop	Russell
Heflin	Smith of Frio
Howington	Smith
Hull	of Matagorda
Hunt	Spencer
Isaacks	Stoll
Kersey	Tarwater
King	Thornton
Leyendecker	Vint
Loggins	Voigt
McMurry	Westbrook
Newell	Wright

Nays—85

Alsup	Kennedy
Anderson	Kern
Bailey	Kerr
Baker	Langdon
of Fort Bend	Lehman
Baker of Grayson	Little
Bell	Lock
Blankenship	London
Bond	Mays
Boyd	McAlister
Bradbury	McDaniel
Bradford	McFarland
Bray	McNamara
Bridgers	Mohrmann
Broadfoot	Monkhouse
Brown of Cherokee	Montgomery
Burkett	Morris
Burney	Nicholson
Celaya	Pace
Coleman	Petsch
Colquitt	Pevehouse
Cornett	Piner
Corry	Reader of Bexar
Crossley	Reed
Davis of Upshur	Riviere
Derden	Roach
Dickison	Segrist
Donaghey	Skiles
Dowell	Smith of Hopkins
Dwyer	Stinson
Faulkner	Talbert
Felty	Taylor
Ferguson	Tennant
Fielden	Thornberry
Hale	Turner
Hankamer	Vale
Harper	Waggoner
Harrell of Lamar	Wells
Harris	White
Holland	Wilson
Johnson of Ellis	Winfree
Johnson of Tarrant	Wood
Keith	Worley



## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Boethel	Howard
Boyer	Kinard
Colson, Mrs.	Leonard
Dean	McDonald
Fuchs	Pope
Gordon, Mrs.	Ragsdale
Hardin	Shell
Hartzog	Weldon

## Absent—Excused

Daniel                      Schuenemann

Question then recurring on the amendment by Mr. Petsch, to the amendment by Mr. Tarwater, it was adopted.

Mr. Tarwater (by unanimous consent) offered the following amendment to the amendment offered by himself:

Amend Tarwater substitute on page 6 of the mimeographed copy by adding the following after the word "Act" in line 24:

"Said County Judge and a majority of the County Commissioners Court of any county shall have the right to apportion its pro rata part of the County Lateral Road Fund to the payment of the principal, interest or sinking fund requirements of the various classifications or series of county road and road district bonds or warrants. Said County Judge and a majority of the County Commissioners Court also may elect to use a portion of said County's share of said County Lateral Road Fund to pay part or all of the principal, interest or sinking fund requirements of any specified issue or issues of county road or road district bonds or warrants and to apply the remaining portion of said County's share of said County Lateral Road Fund to the construction and maintenance of county lateral roads, including the purchase of right-of-way for county lateral roads or State designated highways."

Mr. Blankenship offered the following substitute for the amendment by Mr. Tarwater:

Amend Tarwater substitute to House Bill No. 688, by adding a new Section to be known as Section 6C, to read, as follows:

"Sec. 6C. No monies refunded by this Act to any county shall be used for the retirement of any bonds whatsoever, but all monies refunded by this Act must be used by the various counties receiving same, for the construction and/or maintenance of additional lateral roads."

BLANKENSHIP,  
HULL.

Mr. Reed raised a point of order, on consideration of the substitute amendment by Mr. Blankenship, on the ground that the amendment is not a proper substitute.

The Speaker sustained the point of order.

Question then recurring on the amendment by Mr. Tarwater, to the amendment, it was adopted.

(Mr. Leonard in the Chair.)

Mr. Keith moved to table the amendment by Mr. Tarwater.

Mr. McAlister raised the point of order, that the time for the special order has arrived.

The Chair sustained the point of order.

Question—Shall the motion to table prevail?

SENATE JOINT RESOLUTION  
NO. 12 ON SECOND  
READING

The Chair laid before the House, as a special order, for this hour, on its second reading,

S. J. R. No. 12, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a Section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax.

The resolution was read second time.

Mr. Fielden moved that Senate Joint Resolution No. 12 be re-set for special order at 4:00 o'clock p. m., today.

Mr. Derden raised a point of order, on further consideration of the motion by Mr. Fielden, at this time, on the ground that there is one special order pending.

The Chair overruled the point of order.

The motion by Mr. Fielden was then lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—76

Allen	Kennedy
Anderson	King
Baker	Langdon
of Fort Bend	Leyendecker
Baker of Grayson	Lock
Boethel	Loggins
Boyd	London
Bray	Mays
Bridgers	McDonald
Brown of Cherokee	McFarland
Cauthorn	McNamara
Chambers	Mohrmann
Cleveland	Montgomery
Cockrell	Morris
Coleman	Newell
Colquitt	Nicholson
Cornett	Oliver
Crossley	Petsch
Davis of Jasper	Piner
Davis of Upshur	Pope
Dickison	Reader of Bexar
Dickson	Reader of Erath
Dowell	Reaves
Dwyer	Roberts
Faulkner	Russell
Felty	Segrist
Ferguson	Smith of Frio
Fielden	Stinson
Fuchs	Stoll
Gilmer	Talbert
Goodman	Thornberry
Gordon, Mrs.	Waggoner
Hale	Weldon
Hardeman	Wells
Hardin	Westbrook
Harp	Wilson
Holland	Wood
Isaacks	Wright
Keith	

## Nays—63

Allison	Harper
Bailey	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Boyer	Hartzog
Bradbury	Heflin
Bradford	Howington
Broadfoot	Hunt
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Burkett	Kern
Burney	Kerr
Clark	Kersey
Colson, Mrs.	Kinard
Corry	Lehman
Dean	Little
Derden	McAlister
Donaghey	McDaniel
Galbreath	McMurry
Hamilton	Monkhouse
Hankamer	Pace

Pevehouse	Spencer
Ragsdale	Taylor
Reed	Tennant
Rhodes	Thornton
Riviere	Turner
Roach	Vale
Robinson	Vint
Shell	Voigt
Skiles	White
Smith of Hopkins	Winfree
Smith	Worley
of Matagorda	

## Present—Not Voting

Bundy	Howard
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## Absent

Alsup	Hull
Bond	Tarwater
Celaya	

## Absent—Excused

Daniel	Schuenemann
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Mr. Lehman moved a call of the House, pending consideration of Senate Joint Resolution No. 12, and the call was duly ordered.

On motion of Mr. Fielden, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was called and the following Members were present:

Mr. Speaker	Chambers
Allen	Clark
Allison	Cleveland
Alsup	Cockrell
Anderson	Coleman
Bailey	Colquitt
Baker	Colson, Mrs.
of Fort Bend	Cornett
Baker of Grayson	Corry
Bell	Crossley
Blankenship	Davis of Jasper
Boethel	Davis of Upshur
Bond	Dean
Boyd	Derden
Boyer	Dickson
Bradbury	Donaghey
Bradford	Dowell
Bridgers	Dwyer
Broadfoot	Faulkner
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fielden
Bundy	Fuchs
Burkett	Galbreath
Burney	Gilmer
Cauthorn	Goodman
Celaya	Gordon, Mrs.

Hale	Oliver
Hamilton	Pace
Hankamer	Petsch
Hardeman	Pevehouse
Hardin	Piner
Harp	Pope
Harper	Ragsdale
Harrell of Bastrop	Reader of Bexar
Harrell of Lamar	Reader of Erath
Harris	Reaves
Hartzog	Reed
Heflin	Rhodes
Holland	Riviere
Howard	Roach
Howington	Roberts
Hull	Robinson
Hunt	Russell
Isaacks	Segrist
Johnson of Ellis	Shell
Johnson of Tarrant	Skiles
Keith	Smith of Frio
Kennedy	Smith of Hopkins
Kern	Smith
Kerr	of Matagorda
Kersey	Spencer
Kinard	Stinson
King	Stoll
Langdon	Talbert
Lehman	Tarwater
Leonard	Taylor
Leyendecker	Tennant
Little	Thornberry
Lock	Thornton
Loggins	Turner
London	Vale
Mays	Vint
McAlister	Voigt
McDaniel	Waggoner
McDonald	Weldon
McFarland	Wells
McMurry	Westbrook
McNamara	White
Mohrmann	Wilson
Monkhouse	Winfree
Montgomery	Wood
Morris	Worley
Newell	Wright
Nicholson	

Absent

Dickison

Absent—Excused

Bray

Schuenemann

Daniel

Mr. Taylor offered the following committee amendment to the resolution:

Amend Senate Joint Resolution No. 12, by striking out all below the resolving clause and adding in lieu thereof, the following:

"Section 1. That Article 3 of the

Constitution of the State of Texas is hereby amended by adding thereto a Section to be known as 'Section 51-E,' as follows:

Sec. 51-E. 1. The Legislature shall provide for the collection of the taxes levied by this Section of the Constitution and the revenue derived therefrom shall be used by it for the purpose of financing the following governmental functions, viz:

(1) Old Age Assistance as authorized by the provisions of Section 51-B of Article 3 of this Constitution.

(2) For Assistance of needy individuals who are blind, as authorized in Section 51-C of Article 3 of this Constitution.

(3) For Assistance of Destitute Children, as authorized in Section 51-D of Article 3 of this Constitution.

(4) For the payment of the State's contribution to the Teachers' Retirement Fund as authorized by Section 48-A of Article 3 of this Constitution.

Sec. 2. In order to provide the revenues for the purpose set out in this amendment, taxes to be known and designated as Social Security Taxes are hereby levied upon transactions, services, activities and natural resources as follows:

(1) Upon every retail sales transaction of tangible personal property in this State the tax shall be one (1c) cent upon each fifty (50c) cents for fractional part thereof of the sale price.

(2) Upon every sale in this State of electric energy, and gas (natural or artificial) by private utilities, municipalities and governmental agencies, except on sales for industrial purposes, the tax shall be one (1c) cent on each fifty (50c) cents, or fractional part thereof of the sale price.

(3) Upon all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto in this State the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof of the sale price.

Sec. 3. The taxes levied under Subsection (1) to (3) inclusive shall

be collected from the purchaser by the seller, provided that the seller may, at his option, refrain from collecting the tax on sales of twenty-five (25c) cents or less but in such case the seller shall pay the tax to the Comptroller as herein provided; and, except as herein otherwise exempted on or before the 10th day of each month every such seller shall compute the amount of his total cash gross receipts for the preceding month from all transactions described in Subsection (1) to (3) inclusive and in settlement of the taxes thereon he shall pay to the Comptroller of this State two (2%) per cent on the amount of such total gross cash receipts. The Legislature shall enact suitable laws to enforce the collection of all taxes levied in this amendment.

Sec. 4. Each person who owns, controls, manages, leases or operates, any sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of twenty-five cents per long ton, or fraction thereof, of all sulphur so produced within this State.

Sec. 5. A severance tax equivalent to three-fourths ( $\frac{3}{4}$ ) of one (1%) per cent of the market value of the total amount of gas produced and saved within this State is hereby levied.

Sec. 6. There is hereby levied a severance tax on all oil produced within this State of three-fourths ( $\frac{3}{4}$ ) cents per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions; provided, however, that the severance tax herein levied on oil shall be three-fourths ( $\frac{3}{4}$ ) of one (1%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1) Dollar per barrel of forty-two (42) standard gallons.

Sec. 7. Severance taxes herein imposed shall be paid to the Comptroller of this State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The Legislature shall enact laws prescribing the method of reporting and collecting all severance taxes and may require the purchaser of oil, gas and sulphur to deduct the

tax on all oil, gas and sulphur purchased and pay same to the Comptroller of this State. Until the Legislature shall otherwise provide, the provisions of the existing law providing for an occupation tax on oil, gas and sulphur with reference to paying such occupation tax, the records to be kept and records to be made in regard thereto, and all other administrative provisions of said law, insofar as they may be given application consistent herewith, shall apply and be followed in the enforcement and collection of the severance taxes herein levied.

Sec. 8. All of the revenue accruing to the State from the taxes herein levied shall be collected by the Comptroller of this State and paid to the Treasurer of this State and the Treasurer shall set up in his office a special fund which shall be known as "The Social Security Fund," and he shall credit to this fund all money received from the Comptroller of this State from the taxes herein levied. Out of the revenue accruing to said fund the Legislature may appropriate for the fiscal year beginning September 1, 1939, and for each fiscal year thereafter not to exceed One Million, Five Hundred Thousand (\$1,500,000) Dollars annually to finance Assistance for Destitute Children as provided for in Section 51-d of Article 3 of the Constitution of this State; not to exceed Five Hundred Thousand (\$500,000) Dollars per annum for the purpose of providing assistance to the Needy Blind as provided for in Section 51-c, Article 3 of the Constitution of this State; not to exceed Two Million, Five Hundred Thousand (\$2,500,000) Dollars per annum to supply the State's contribution to the Teacher Retirement Fund as provided in Section 48-a, Article 3 of the Constitution of this State, provided that in addition to meeting current obligations to the Teacher Retirement Fund the Legislature shall appropriate from the Social Security Fund beginning September 1, 1942, and annually thereafter during the succeeding five (5) years such amounts as will be necessary to bring this fund in balance not later than September 1, 1947. After meeting out of the "Social Security Fund" each year the appropriations herein authorized for Dependent Children, Needy Blind and Teacher Retirement, all of the remainder of such funds or so much

thereof as may be necessary shall be used for the purpose of paying Old Age Assistance as authorized in Section 51b of the Constitution of this State.

The Forty-seventh Regular Session of the Texas Legislature and each succeeding Regular Session of the Texas Legislature is hereby authorized to examine the condition of the "Social Security Fund" herein established and when, after meeting all obligations for the preceding biennium, it is found that the taxes herein levied are producing revenue in excess of the amount necessary to meet the obligations of the State herein authorized to be paid out of said "Social Security Fund," then, in that event, the Legislature may ratably reduce the rates of taxation herein levied so as to produce as nearly as possible only so much revenue as is necessary to meet the actual requirements under this amendment, likewise any Regular Session of the Texas Legislature subsequent to the Forty-seventh Regular Session of the Legislature shall restore ratably any reduction made in tax levies by a previous Regular Session of the Legislature in the rates of taxation levied, if an examination of the "Social Security Fund" reveals the fact that it is necessary to do so in order that the revenue going into the "Social Security Fund" be adequate to meet the State's obligation to pay social security services herein authorized to be paid out of the "Social Security Fund," provided, however, that the Legislature shall never increase the taxes herein to a rate higher than the rates fixed by the respective tax levies in this amendment, provided further that nothing herein shall be construed as preventing the Legislature from levying additional taxes for other State purposes on the sources herein taxed.

If at any time the revenues derived from the taxes herein levied are inadequate to meet in full all of the obligations of the State to pay Old Age Assistance, then in that event the payments for Old Age Assistance shall be ratably reduced so as to avoid a deficit occurring in the "Social Security Fund."

Sec. 9. The Legislature shall not abate, amend or repeal any existing law which imposes taxes to supply revenues now allocated to the Texas Old Age Assistance Fund until such time as said taxes supply revenue

which is allocated to said fund shall have produced the sum of Twenty Million (\$20,000,000.00) Dollars after January 1, 1940. On and after January 1, 1940, that portion of existing taxes which now provides revenue for the payment of old age assistance shall be used exclusively for retiring the deficit now existing in the General Revenue Fund, and the Legislature shall provide for the collection of such taxes and the impounding of the revenue therefrom for the payment of the said deficit, until such time as Twenty Million (\$20,000,000.00) Dollars accrues after January 1, 1940. When said sum of Twenty Million (\$20,000,000.00) Dollars shall have accrued, the Legislature may repeal said tax laws or use the revenues therefrom as it sees proper.

Sec. 10. The provisions hereof providing for old age assistance shall not be construed as a vested right in the recipient of such old age assistance and neither the State, nor any of its agents, shall ever be liable in any way to any recipient for any deficit. The taxes levied in this amendment shall become effective September 1, 1939, and shall be in addition to all taxes now or which may hereafter be levied by law.

Sec. 11. On and after January 1, 1940, the State's obligation to pay old age assistance as provided in Section 51b, Article 3 of the Constitution; the State's obligation to provide assistance for needy blind as authorized in Section 51c, Article 3 of the Constitution; the State's obligation to provide assistance to destitute children as authorized in Section 51b, Article 3 of the Constitution; the State's obligation to contribute to the Teachers' Retirement Fund as authorized by Section 48a, Article 3 of the Constitution, as well as the State's portion of the cost of collecting the taxes herein levied and the cost of administration of these social security services shall be paid exclusively from the revenue derived from the taxes herein levied and no appropriation shall thereafter be made out of any other State funds for any such purpose nor shall any other taxes be levied for these purposes.

Sec. 12. (a) The term "person" as used herein shall mean and include any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership,

company, corporation, and any person acting under declaration of trust, as well as the trustees acting under such declarations of trust, or any other group or combination acting as a unit, and the plural as well as the singular number unless the intention to give it a more limited meaning is clearly disclosed by the context.

(b) "Sale" means any transfer of title or possession or both, conditional or otherwise, in any manner or by any means whatsoever of tangible personal property, for a consideration; and a transaction whereby the possession of property is transferred but the seller retains title as security for the payment shall be deemed a sale. A "retail sale", or a "sale at retail" or a "retail sales transaction" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property, and shall include all such transactions as the State Comptroller, upon investigation, finds to be in lieu of such sales; provided, however, "sale at retail" shall not include an isolated or occasional sale of tangible personal property by a person not engaged in such business.

(c) The term "tangible personal property" means personal property which may be seen, weighed, measured, felt, touched, or is in any other manner perceptible to the senses.

(d) The term "sale for industrial purposes", as used in connection with the sale of gas and electric energy, means and includes all sales made for industrial uses or purposes and all sales made for the purpose of resale.

Sec. 13. There is hereby exempted from the provisions of this amendment and from the computation of the taxes levied, assessed, and payable under this amendment, all dairy products, when such products are purchased from farmers, processors, distributors, and other persons engaged exclusively in the production, processing, distribution and sale of dairy products, the first sale by the producer of all horticultural, agricultural, livestock, and poultry products; all sales of newspapers and magazines; all sales of gasoline and cigarettes; all sales of beverages having an alcoholic content of more than one-half of one per cent by volume; all sales in interstate commerce to the extent, and to the extent only, that the State of Texas is prohibited

by the Constitution of the United States of America from taxing such sales; all sales by or to the State of Texas or any subdivision thereof; and all sales to the United States Government; all sales involving the acquisition of tangible personal property for resale as a component part or ingredient of other tangible personal property, or for use in processing or treating other tangible personal property for sale to the ultimate consumer, or the acquisition of any tangible personal property to be manufactured, processed or refined where the product or products so manufactured, processed or refined is for resale.

Sec. 14. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State on the third Saturday in August, 1939, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the State Constitution providing a system of old age assistance, levying social security taxes for the payment of such old age assistance and providing a source of revenue for the payment of destitute children's assistance, teachers' retirement benefits and assistance to the blind."

And all those opposed shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution providing a system of old age assistance, levying social security taxes for the payment of such old age assistance and providing a source of revenue for the payment of destitute children's assistance and teachers' retirement benefits, and assistance to the blind."

Sec. 15. The taxes levied by the adoption of this resolution shall automatically expire on September 1, 1944, unless the qualified electors shall re-adopt the Constitutional Amendment at the general election in the year 1942. At said general election the question of repealing the amendment to the Constitution shall be submitted in the following manner:

"For repeal of Section 51e of Article 3 of the Constitution as adopted in the year 1939."

"Against repeal of Section 51e of Article 3 of the Constitution as adopted in the year 1939."

In the event the majority of the votes cast at said election favor repeal, the amendment to the Constitution shall be eliminated therefrom. In the event the majority of the votes cast are opposed to repeal, then the amendment as adopted in 1939 shall for all purposes be and remain in effect.

Sec. 16. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and laws of this State.

The sum of Twenty Thousand (\$20,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the Treasury of this State not otherwise appropriated to pay the expense of such publication and election."

Mr. Davis of Upshur raised a point of order, on further consideration of Senate Joint Resolution No. 12, at this time, on the ground that a similar measure has been heretofore defeated by the House.

The Chair overruled the point of order.

(Speaker in the Chair.)

Mr. Cornett moved to table Senate Joint Resolution No. 12.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—49

Allen	Hardeman
Baker	Isaacks
of Fort Bend	Keith
Baker of Grayson	Kern
Bell	Kerr
Boethel	Langdon
Boyd	London
Bridgers	McNamara
Brown	Mohrmann
of Nacogdoches	Morris
Cauthorn	Newell
Coleman	Piner
Cornett	Pope
Davis of Upshur	Ragsdale
Derden	Reader of Bexar
Dickison	Reader of Erath
Galbreath	Reaves
Gordon, Mrs.	Riviere
Hale	Robinson

Russell  
Skiles  
Stoll  
Talbert  
Tarwater  
Thornberry  
Vint

Waggoner  
Weldon  
Wells  
Winfree  
Wood  
Wright

#### Nays—86

Allison  
Bailey  
Blankenship  
Bond  
Boyer  
Bradbury  
Bradford  
Bray  
Broadfoot  
Brown of Cherokee  
Bundy  
Burkett  
Celaya  
Chambers  
Clark  
Colson, Mrs.  
Corry  
Crossley  
Davis of Jasper  
Dean  
Dickson  
Dwyer  
Faulkner  
Felty  
Ferguson  
Fielden  
Fuchs  
Gilmer  
Goodman  
Hankamer  
Hardin  
Harp  
Harper  
Harrell of Bastrop  
Harrell of Lamar  
Harris  
Hartzog  
Heflin  
Holland  
Howard  
Howington  
Hull  
Hunt  
Johnson of Ellis

Johnson of Tarrant  
Kennedy  
Kersey  
Kinard  
Lehman  
Leonard  
Leyendecker  
Little  
Lock  
Loggins  
Mays  
McAlister  
McDaniel  
McFarland  
McMurry  
Monkhouse  
Montgomery  
Nicholson  
Oliver  
Pace  
Petsch  
Pevehouse  
Reed  
Rhodes  
Roach  
Roberts  
Segrist  
Shell  
Smith of Frio  
Smith of Hopkins  
Smith  
of Matagorda  
Spencer  
Stinson  
Taylor  
Tennant  
Thornton  
Turner  
Vale  
Voigt  
Westbrook  
Wilson  
Worley

#### Absent

Alsup  
Anderson  
Burney  
Cleveland  
Cockrell  
Colquitt

Donaghey  
Dowell  
Hamilton  
King  
McDonald  
White

#### Absent—Excused

Daniel  
Schuenemann

(Pending consideration of the committee amendment, Mr. Little occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. White offered the following amendment to the committee amendment:

Amend committee substitute to Senate Joint Resolution No. 12, by adding thereto another Section to be known as Section 6-A, to read as follows:

"Section 6-A. The taxes provided for herein in Sections 4, 5 and 6 of this resolution shall not be construed as repealing any taxes now being levied on the commodities and/or service specified in said Sections 4, 5 and 6, but shall be in addition to all taxes now being levied on said commodities and/or service mentioned in said Sections; and provided further that nothing in this resolution shall prohibit the Legislature from levying additional taxes on the commodities and/or service mentioned in said Sections 4, 5 and 6 of this resolution for any purpose whatsoever other than for financing the social security program as mentioned herein."

WHITE,  
BROWN of Cherokee.

Mr. Wright offered the following substitute for the amendment by Mr. White:

Amend subcommittee substitute to Senate Joint Resolution No. 12, page 6, line 33, by deleting the following provision:

"Provided, however, that the Legislature shall never increase the taxes herein to a rate higher than the rates fixed by the respective tax levies in this amendment, provided further that nothing herein shall be construed as preventing the Legislature from levying additional taxes for other State purposes on the sources herein taxed."

Mr. Thornton raised a point of order, on further consideration of the amendment by Mr. Wright, at this time, on the ground that the amendment is not a proper substitute.

The Speaker sustained the point of order.

Mr. Wells moved to table the amendment by Mr. White.

The motion to table was lost.

Question then recurring on the amendment by Mr. White, it was adopted.

Mr. Brown of Cherokee offered the following amendment to the committee amendment:

Amend committee substitute to Senate Joint Resolution No. 12, Section 2, Subsection 1, by striking out all of Subsection 1, and substituting in lieu therefor, the following:

"Upon every retail sale transaction of tangible personal property in this State, the tax shall be two (2%) per cent of the sale price thereof. The taxes levied under this Subsection shall be collected from the purchaser by the seller under such rules and regulations as the Legislature may prescribe, provided the Legislature shall have the authority to exempt purchaser from the payment of said tax up to a specific sale price and to formulate sale price brackets on which a specific amount may be collected from the purchaser", and by striking out lines 15, 16, 17 and all of line 18 to and including the word "provided" in Section 3, page 4 of the printed bill.

BROWN of Cherokee,  
WHITE.

Question recurring on the amendment by Mr. Brown of Cherokee, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—105

Allen	Colquitt
Bailey	Colson, Mrs.
Baker	Cornett
of Fort Bend	Crossley
Baker of Grayson	Davis of Jasper
Bell	Dean
Blankenship	Derden
Bond	Dickison
Boyd	Dickson
Bradbury	Donaghey
Bridgers	Dowell
Broadfoot	Faulkner
Brown of Cherokee	Ferguson
Brown	Fielden
of Nacogdoches	Fuchs
Bundy	Galbreath
Burkett	Hale
Burney	Hamilton
Cauthorn	Hardeman
Clark	Hardin
Cleveland	Harp
Cockrell	Harper
Coleman	Harrell of Bastrop



Harrell of Lamar	Reader of Erath
Harris	Reaves
Holland	Reed
Howard	Rhodes
Hunt	Riviere
Johnson of Ellis	Roach
Keith	Roberts
Kennedy	Robinson
Kerr	Russell
Kersey	Segrist
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leyendecker	Smith
Lock	of Matagorda
Loggins	Spencer
London	Stinson
Mays	Stoll
McAlister	Talbert
McDaniel	Tarwater
McDonald	Tennant
Mohrmann	Thornberry
Monkhouse	Voigt
Montgomery	Weldon
Morris	Wells
Newell	Westbrook
Oliver	White
Pevehouse	Winfree
Piner	Wood
Ragsdale	Worley
Reader of Bexar	Wright

## Nays—32

Allison	Johnson of Tarrant
Alsup	Kern
Boethel	Kinard
Boyer	Leonard
Bradford	Little
Bray	McFarland
Celaya	McMurry
Chambers	McNamara
Felty	Nicholson
Goodman	Petsch
Gordon, Mrs.	Shell
Hankamer	Taylor
Hartzog	Thornton
Heflin	Turner
Howington	Waggoner
Hull	Wilson

## Absent

Anderson	Isaacks
Corry	Pace
Davis of Upshur	Pope
Dwyer	Vale
Gilmer	Vint

## Absent—Excused

Daniel	Schuenemann
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Question — Shall the committee amendment be adopted?

## HOUSE BILL NO. 1038 ON SECOND READING

Mr. Alsup moved that the necessary Rules be suspended, for the purpose of taking up, and considering, at this time, House Bill No. 1038.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1038, A bill to be entitled "An Act making an appropriation for the Texas Relief Commission, and declaring an emergency."

The bill was read second time.

Mr. Alsup offered the following committee amendments to the bill:

Amend House Bill No. 1038, by striking out all below the enacting clause, and inserting in lieu thereof, the following:

"Section 1. The sum of Twelve Thousand (\$12,000) Dollars, or so much thereof as may be necessary, for the month of June, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of July, 1939, and Twenty-one Thousand (21,000) Dollars, or so much thereof as may be necessary, for the month of August, 1939, is hereby appropriated out of any monies in the Treasury not otherwise appropriated, to defray the administrative expenses of the Texas Relief Commission to be incurred in connection with the distribution of surplus commodities, the investigation and certification of clients to Works Progress Administration, Civilian Conservation Corps, and National Youth Administration, the administration and liquidation of Federal programs in Texas, and the performance of the duties imposed by law upon the Texas Relief Commission.

"Sec. 2. The fact that funds to defray the administrative expenses of the Texas Relief Commission are practically exhausted, and the fact that unless further funds are provided for the months of June, July and August, 1939, the work of such Commission will cease, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from its passage, and it is so enacted."

Amend House Bill No. 1038, by striking out all above the enacting clause and inserting in lieu thereof, the following:

A BILL  
To Be Entitled

"An Act appropriating Twelve Thousand (\$12,000) Dollars, or so much thereof as may be necessary, for the month of June, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of July, 1939, and Twenty-one Thousand (\$21,000) Dollars, or so much thereof as may be necessary, for the month of August, 1939, out of any monies in the Treasury not otherwise appropriated, to defray the administrative expenses of the Texas Relief Commission incurred in connection with the distribution of surplus commodities, the investigation and certification of clients to Works Progress Administration, Civilian Conservation Corps, and National Youth Administration, the administration and liquidation of Federal programs in Texas, and the performance of the duties imposed by law upon such Texas Relief Commission, and declaring an emergency."

The amendments were severally adopted.

House Bill No. 1038 was then passed to engrossment.

HOUSE BILL NO. 1038 ON THIRD  
READING

Mr. Alsup moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1038 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Allen	Boyd
Allison	Boyer
Alsup	Bradbury
Anderson	Bray
Bailey	Bridgers
Baker	Broadfoot
of Fort Bend	Brown
Baker of Grayson	of Nacogdoches
Bell	Bundy
Blankenship	Burkett
Boethel	Burney
Bond	Cauthorn

Celaya	Mays
Chambers	McAlister
Clark	McDaniel
Cleveland	McDonald
Cockrell	McFarland
Coleman	McMurry
Colquitt	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Crossley	Montgomery
Davis of Upshur	Morris
Dean	Newell
Derden	Nicholson
Dickson	Oliver
Donaghey	Pace
Dowell	Petsch
Dwyer	Pevehouse
Faulkner	Ragsdale
Felty	Reader of Bexar
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Rhodes
Galbreath	Riviere
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Robinson
Hardeman	Russell
Hardin	Segrist
Harp	Shell
Harper	Skiles
Harrell of Bastrop	Smith of Frio
Hartzog	Smith of Hopkins
Heflin	Smith
Holland	of Matagorda
Howard	Spencer
Howington	Stinson
Hunt	Stoll
Johnson of Ellis	Talbert
Johnson of Tarrant	Tarwater
Kennedy	Taylor
Kern	Tennant
Kersey	Thornberry
Kinard	Weldon
King	Wells
Langdon	Westbrook
Lehman	White
Leonard	Winfree
Leyendecker	Wood
Little	Worley
Lock	Wright
Loggins	

Nays—4

Bradford	Hankamer
Corry	Thornton

Absent

Brown of Cherokee	Harris
Davis of Jasper	Hull
Dickison	Isaacks
Gilmer	Keith
Goodman	Kerr
Harrell of Lamar	London

Piner  
Pope  
Reed  
Turner  
Vale

Vint  
Voigt  
Waggoner  
Wilson

Absent—Excused

Daniel

Schuenemann

The Speaker then laid House Bill No. 1038 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Allen	Harp
Allison	Harper
Alsup	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Baker of Grayson	Heflin
Bell	Holland
Blankenship	Howard
Boethel	Hull
Boyd	Hunt
Boyer	Isaacks
Bradbury	Kennedy
Bridgers	Kern
Broadfoot	Kerr
Brown	Kersey
of Nacogdoches	Kinard
Bundy	Langdon
Burkett	Lehman
Burney	Leonard
Cauthorn	Leyendecker
Celaya	Little
Chambers	Lock
Cleveland	Loggins
Cockrell	London
Coleman	Mays
Colquitt	McAlister
Colson, Mrs.	McDaniel
Cornett	McDonald
Crossley	McFarland
Davis of Upshur	McMurry
Dean	McNamara
Derden	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Gordon, Mrs.	Ragsdale
Hale	Reader of Bexar
Hamilton	Reader of Erath
Hardeman	Reaves
Hardin	Rhodes

Riviere  
Roach  
Roberts  
Robinson  
Russell  
Segrist  
Shell  
Skiles  
Smith of Frio  
Smith of Hopkins  
Spencer  
Stinson  
Stoll  
Talbert

Tarwater  
Taylor  
Thornberry  
Vale  
Weldon  
Wells  
Westbrook  
White  
Wilson  
Winfree  
Wood  
Worley  
Wright

Nays—11

Bradford	Johnson of Tarrant
Bray	Keith
Corry	Smith
Fielden	of Matagorda
Hankamer	Tennant
Howington	Thornton

Absent

Anderson	King
Bond	Piner
Brown of Cherokee	Pope
Clark	Reed
Davis of Jasper	Turner
Dickison	Vint
Gilmer	Voigt
Goodman	Waggoner
Johnson of Ellis	

Absent—Excused

Daniel

Schuenemann

#### MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 118, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, No. 1."

S. B. No. 211, A bill to be entitled "An Act making an emergency appropriation for the balance of the fiscal year ending August 31, 1939, to pay the salary and necessary traveling, engineering, clerical and miscellaneous expenses of the Rio Grande Compact Commissioner for Texas in connection with the negotiation, administration and enforcement of the permanent Rio Grande Compact be-

tween the States of Texas, Colorado and New Mexico, and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school district, and declaring an emergency."

H. B. No. 669, A bill to be entitled "An Act creating the Lower Concho River Water and Soil Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties, etc., and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 123, by the following vote: Yeas, 29; Nays, 0.

The Senate has passed

H. B. No. 971, A bill to be entitled "An Act fixing the compensation of Tax Collector-Assessor, County Clerk, District Clerk, Sheriff, and County Attorney in all counties in this State, etc., fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency." (With amendment.)

H. B. No. 1001, A bill to be entitled "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or camps, magazines, arsenals, dock yards, etc.; providing for failure or refusal for the erection of such forts, etc., and declaring an emergency."

Adopted

H. C. R. No. 123, Extending greetings to the Texas Cowboy Band and in turn asking them to extend greetings to people in all the States through which they travel.

The Senate has refused to concur in House amendments to Senate Bill No. 75, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Nelson, Head, Cotten, Martin and Burns.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate Bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 118, to the Committee on Education.

Senate Bill No. 211, to the Committee on Appropriations.

#### CONFERENCE COMMITTEES APPOINTED

The Speaker announced the appointment of the following Conference Committee on Senate Bill No. 75: Messrs. Johnson of Tarrant, Monkhouse, Gilmer, Wood and McAlister.

The Speaker announced the appointment of the following Conference Committee on House Bill No. 256: Messrs. Thornton, Smith of Matagorda, Thornberry, Cauthorn and Tennant.

The Speaker announced the appointment of the following Conference Committee on House Bill No. 257: Messrs. Thornton, Schuenemann, Baker of Fort Bend, Vale and Smith of Hopkins.

The Speaker announced the appointment of the following Conference Committee on Senate Bill No. 109: Messrs. Keith, Reed, Morris, Smith of Frio and Monkhouse.

#### ADDITIONAL SIGNER OF HOUSE BILL NO. 737

Mr. Ragsdale was authorized to sign House Bill No. 737, as co-author of same.

#### APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 135

The Speaker announced the appointment of the following Conference Committee on Senate Bill No. 135: Messrs. Heflin, Thornton, Bond, Brown of Cherokee and Taylor.

**BILLS SIGNED BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 319, "An Act to fix the maximum tax rate for school purposes in all independent and common school districts in counties having population of not less than twelve thousand, one hundred and eighty-eight (12,188) nor more than twelve thousand, one hundred and ninety-five (12,195), and declaring an emergency."

H. B. No. 84, "An Act so as to make it unlawful for any person to place, set, drag or use any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line or cast net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length for catching bait or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the waters of Matagorda Bay east of the Colorado River, providing for the use of spear or gig and light for taking flounder in these waters, repealing all laws or parts of laws in conflict herewith; providing when this Act shall take effect, providing for confiscation of nets, seines and other tackle for evidence and providing for penalties, and declaring an emergency."

H. B. No. 191, "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 333, "An Act amending Article 875, Title '13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

H. B. No. 95, "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925,

relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 123, "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and defining the duties and powers of the Texas State Park Board in regard thereto, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and declaring an emergency."

H. B. No. 6, "An Act amending Article 835-C, Revised Civil Statutes of Texas, Acts, Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes, and declaring an emergency."

**HOUSE BILLS ON FIRST READING**

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Faulkner:

H. B. No. 1049, A bill to be entitled "An Act providing for rural school supervisor in certain counties; providing for salary for such supervisor; providing traveling and other expenses for such supervisor; making said Act cumulative of all other laws and parts of laws regarding public education; prescribing duties of such supervisor, and declaring an emergency."

Referred to the Committee on Education.

Mr. Leonard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1050.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard:

H. B. No. 1050, A bill to be entitled "An Act to amend Chapter 3 of Title

128 of the Revised Statutes of 1925, relating to water control and preservation districts by providing that lands in any such district lying within or adjoining the territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the County Clerk of the county in which lands are situated, may be discontinued as part of such district; providing that the Board of Directors may pass resolutions excluding such territory; providing that the owners of such lands may petition the district for an election to determine the question of whether the lands shall be withdrawn, and for the holding of such an election and providing that lands so withdrawn shall no longer be entitled to be served with water from the irrigation system, and that such lands shall be charged with their pro rata part of existing indebtedness of the said district, and providing that the owner or owners of such lands may pay the total of their pro rata at any time."

Referred to the Committee on Public Lands and Buildings.

Mr. Wilson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1051.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Wilson:

H. B. No. 1051, A bill to be entitled "An Act granting permission to W. V. Guthrie, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. V. Guthrie for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about October 27, 1937; said suit shall be tried according to the rules of law and equity and pro-

cedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the joinder of other property or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except its failure to have compensation insurance and the Statute of Limitations, and declaring an emergency."

Referred to the Committee on State Affairs.

## RECESS

Mr. Reader of Erath moved that the House recess until 7:30 o'clock p. m., today.

Mr. Mays moved that the House recess until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Mays prevailed, and the House, accordingly, at 5:40 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: House Bill No. 1038.

Counties: House Bills Nos. 924, 1041 and 1042.

State Affairs: Senate Bill No. 224; House Concurrent Resolutions Nos. 121 and 122.

The Committee on State Affairs filed an adverse report on House Concurrent Resolution No. 119.

# REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 52, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Third Called Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Corpus Christi in the construction of a sea wall or breakwater so as to protect said city from calamitous overflow, by donating to said city all the State ad valorem taxes, collected on property and from persons in Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval Counties and by donating to said city all the State ad valorem taxes, collected on property and from persons in Nueces County not heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of Texas, known as House Bill No. 694 for a period of twenty-five (25) years, and to provide a penalty for their misapplication', by extending the provisions of said Act for a period of eight (8) years from September 1, 1946, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 410, A bill to be entitled "An Act to amend Article 4553, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12 of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method

of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality of invalidity of any part thereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 123, Extending greetings to the Texas Cowboy Band and in turn asking them to extend greetings to people in all the States through which they travel.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

# REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 95, "An Act to amend Articles 5025, 5026, 5027, 5029, 5031, 5032, and 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and to add thereto Articles 5029a and 5033a, relating to indemnity contracts by reciprocal or interinsurance exchanges; fixing the extent of liability of subscribers at

such exchanges, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

DWYER, Acting Chairman.

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 191, "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 118, Granting Hon. J. D. Stephenson, Judge of the 66th Judicial District of Texas, permission to leave the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 120, Requesting that a new Battleship soon to be constructed and completed by the Federal Government be named "The Battleship Texas."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

#### SENT TO THE GOVERNOR

May 2, 1939

House Bill No. 224.

House Bill No. 191.

House Bill No. 84.

House Bill No. 333.

House Concurrent Resolution No. 120.

House Concurrent Resolution No. 118.

#### SIXTY-SIXTH DAY

(Continued)

(Wednesday, May 3, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, as we look upon the beauties by which we are surrounded, and enjoy the blessings of peace and liberty, as so many in the world do not, we praise Thy name for Thy leadership and goodness. If it be Thy will may the clouds be dispersed and unholy ambition be rebuked without war. We feel our own weakness today. Be Thou our strength. For Christ's sake. Amen."

#### LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Derden was granted leave of absence for today on account of important business, on motion of Mr. Skiles

#### BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Loggins, House Bills Nos. 1012 and 1052 were ordered not printed.

On motion of Mr. Faulkner, House Bill No. 1049 was ordered not printed.

(Mr. Leonard in the Chair.)

#### HOUSE CONCURRENT RESOLUTION NO. 72 WITH SENATE AMENDMENTS

Mr. Harp called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 72, To grant L. L. White permission to sue the State.

On motion of Mr. Harp, the House concurred in the Senate amendments, by the following vote:

Yeas—133

Allison

Alsup

Anderson

Bailey

Baker

of Fort Bend